

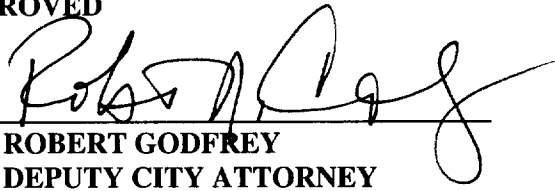
Entered -03-13-02 - sb
CL 02L0207 - GWENDOLYN BURNS

CLAIM OF: STATE FARM INSURANCE COMPANIES
as subrogee of EUGENE MILLER
11350 Johns Creek Parkway
Duluth, Georgia 30098-0001

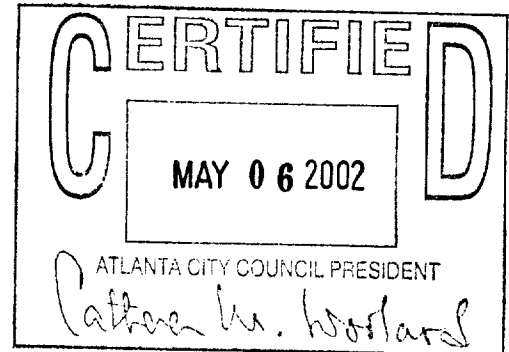
02-R-0648

For vehicular damages sustained due to a construction site that was left open and in an unsafe condition on January 17, 2002 on the wall of Interstate 75/85.

THIS ADVERSED REPORT IS
APPROVED

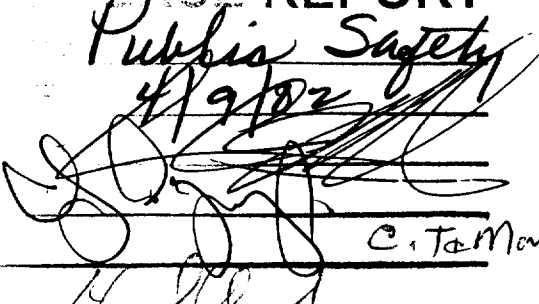
BY: 
ROBERT GODFREY
DEPUTY CITY ATTORNEY

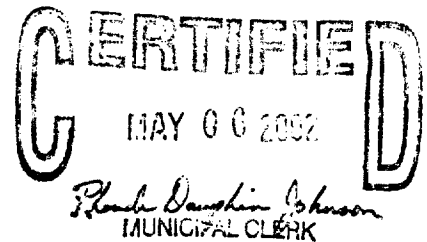
ADVERSED BY
CITY COUNCIL MAY 06



CONSENT AGENDA

ADVERSE REPORT


Public Safety
4/9/02
C. To Martin





**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

May 21, 2002

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

**FORIS WEBB, III
DEPUTY MUNICIPAL CLERK**

State Farm Ins. Companies
as subrogee of Eugene Miller
Attn: Jody Mullins
11350 Johns Creek Parkway
Duluth, GA 30098-0001

02-R-0648

Dear

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 6, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0207

Date: March 26, 2002

Claimant /Victim EUGENE MILLER
 BY: (Atty) (Ins. Co.) STATE FARM INSURANCE COMPANIES
 Address: 11350 Johns Creek Parkway, Duluth, Georgia 30098-0001
 Subrogation: X Claim for Property damage \$ 297.56 Bodily Injury \$ _____
 Date of Notice: 3/8/02 Method: Written, Proper X Improper _____
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 1/17/02 Place: Interstate 75/85
 Department _____ Division _____
 Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained property damages when a large piece of concrete, from a construction site, struck his vehicle while traveling on Interstate 75/85. However, the claimant has been advised that all interstates are operated and maintained by the State of Georgia, Department of Transportation and not the City of Atlanta. The claim has been forwarded to DOT for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other X
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
 Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
 City not involved X Offer rejected _____ Compromise settlement _____
 Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
 Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____
 Claims Manager: *[Signature]* Concur/date _____
 Committee Action: _____ Council Action _____

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507: 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668

CONSENT I

		05/06/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-0666	34. 02-R-0613	47. 02-R-0625
2. 02-O-0678	35. 02-R-0614	48. 02-R-0626
3. 02-O-0681	36. 02-R-0615	49. 02-R-0627
4. 02-O-0684	37. 02-R-0616	50. 02-R-0628
5. 02-O-0487	38. 02-R-0617	51. 02-R-0629
6. 02-O-0491	39. 02-R-0618	52. 02-R-0630
7. 02-O-0686	40. 02-R-0619	53. 02-R-0631
8. 02-O-0687	41. 02-R-0620	54. 02-R-0632
9. 02-O-0688	42. 02-R-0621	55. 02-R-0633
10. 02-O-0086	43. 02-R-0622	56. 02-R-0634
11. 02-O-0672	44. 02-R-0623	57. 02-R-0635
12. 02-O-0689	45. 02-R-0624	58. 02-R-0636
13. 02-O-0563	46. 02-R-0700	59. 02-R-0637
14. 02-O-0673		60. 02-R-0638
15. 02-O-0674		61. 02-R-0639
16. 02-R-0512		62. 02-R-0640
17. 02-R-0680		63. 02-R-0641
18. 02-R-0598		64. 02-R-0642
19. 02-R-0697		65. 02-R-0643
20. 02-R-0600		66. 02-R-0644
21. 02-R-0658		67. 02-R-0645
22. 02-R-0702		68. 02-R-0646
23. 02-R-0480		69. 02-R-0647
24. 02-R-0507		70. 02-R-0648
25. 02-R-0501		71. 02-R-0649
26. 02-R-0604		72. 02-R-0650
27. 02-R-0704		73. 02-R-0651
28. 02-R-0607		74. 02-R-0652
29. 02-R-0608		75. 02-R-0653
30. 02-R-0609		76. 02-R-0654
31. 02-R-0610		77. 02-R-0655
32. 02-R-0611		78. 02-R-0656
33. 02-R-0612		79. 02-R-0657